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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 26718 of 2003

Between:

1 N. Ramesh, S/o. Mohan Rao, Occ: Secretary
Cheruvumadhavaram PACS G. Konduru Mandal, Krishna District.
2 K. Chanti Babu Rao, S/o. Lakshmaiah, Occ: Clerk
Cheruvumadhavaram PACS G. Konduru Mandal, Krishna District.
3 E. Siva Naga Raju, S/o. Rama Rao, Occ: Clerk
Sri Krishnananda PACS, Gurajada, Pamidimukkala Mandal,
Krishna District.
4 R. Dhanalakshmi, D/o. Venkata Swamy, Occ: Clerk
Sri Krishnananda PACS, Gurajada, Pamidimukkala Mandal,
Krishna District.
5 K. China Basavaiah, S/o. Veerabhadra Rao, Occ: Attender
Sri Krishnananda PACS, Gurajada, Pamidimukkala Mandal,
Krishna District.
6 M. Bhaskhara Babu, S/o. Nancharaiah, Occ: Attender
Seetharamapuram PACS, Bandaru Mandal, Krishna District.
7 I. Panduranga Rao, S/o. Ramakrishnaiah, Occ: clerk
Tungalavaripalem PACS, Avanigadda Mandal,
Krishna District.
8 K. Adiseshaiah, S/o. Raghavulu, Occ: Clerk
Nelakuru PACS, Machilipatnam Mandal, Krishna District.
9 D. Srinivasa Rao, S/o. Venkata Appa Rao, Occ: Attender
Gokavaram PACS, Bandaru Mandal, Krishna District.
10 G. Naga Seetharami Reddy, S/o. Rami Reddy, Occ: Clerk
Gokavaram PACS, Bandaru Mandal, Krishna District.

... PETITIONERS

AND

1 The Commissioner for Cooperation Government of A.P. Hyderabad.

2 The District Cooperative Officer, Krishna District at Machilipatnam.
3 The Divisional Cooperative Officer, Vijayawada, Krishna District.
4 The Divisional Cooperative Officer, Nuzvid, Krishna District.
5 The Divisional Cooperative Offficer, Machilipatnam, Krishna District.
6 The Cheruvumadhavaram PACS, S. Konduru (M), Krishna District rep.by its

Chairman/PIC.

7 The Sri Krishnananda PACS, Gurajada, Padmidimukkala Mandal,
Krishna District rep by its Chairman/PIC
8 The Seetharamapuram PACS, Bandaru Mandal, Krishna District.rep by its

Chairman/PIC.
9 The Tugalavaripalem PACS, Avanigadda Mandal, Krishna District rep by is

Chairman/PIC.
10 The Nelakurru PACS, Machilipatnam Mandal, Krishna District
rep by is Chairman/PIC
11 The Gokavaram PACS, Bandaru Mandal,
Krishna District rep by is Chairman/PIC

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents 3 to 5 herein in issuing Proceedings Rc.No. 293/2003E. dated 27.1.2003, Proceedings Rc. No. 2944/98-C, dated 17.2.2003 and Proceedings Rc.No. 3012/2003-D. dated 5.2.2003 to the respondent societies to terminate the petitioners from service and the consequential action of the respondent societies in issuing proceedings dated 28.4.2003, 23.4.2003, 28.2.2003, 30.4.2003, 16.4.2003 and 29.4.2003 terminated the petitioners from service without any enquiry or opportunity as highly illegal, arbitrary and violative of Art. 14 and 21 of the Constitution of India apart from contrary to the judgment of the Hon'ble Supreme Court reported in 1988 AIR SCW 3186 (Basudeo Tiwary Vs. Sido Kanhu University) and consequently set aside the impugned proceedings

Counsel for the Petitioners: MR.G.V.SHIVAJI

Counsel for the Respondents 1 to 5: GP FOR COOPERATION

Counsel for the Respondents 6 to 10: NONE APPEARED

Counsel for the Respondent No.11: MR.A.RAVINDER

The Court made the following order:

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ORDER:

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Petitioners question the circular instructions issued by the Cooperative Officers to terminate its employees who are appointed contrary to the amended mandatory provisions of Section 116 (C) of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act').

The circular instructions are not in any way against the rules and the Act. As held by this Court in WP.No.3171 of 2003 and batch dated 30.08.2004, an alternative remedy is available to the petitioners.

Accordingly, the writ petition is dismissed with a liberty to the petitioners to file an appeal before an appropriate forum within a period of one month from the date of the receipt of a copy of this order. No costs.

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V. ESWARAIAH, J

November 5, 2004

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To

1 The Commissioner for Cooperation Government of A.P. Hyderabad.
2 The District Cooperative Officer, Krishna District at Machilipatnam.
3 The Divisional Cooperative Officer, Vijayawada, Krishna District.
4 The Divisional Cooperative Officer, Nuzvid, Krishna District.
5 The Divisional Cooperative Offficer, Machilipatnam, Krishna District.
6 Two CCs to GP For Cooperation, High Court Buildings, Hyderabad (OUT)

7 Two CD Copies.